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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,251	10/31/2003	Takanobu Adachi	SHO-0025	9042
23353	7590	10/01/2007	EXAMINER	
RADER FISHMAN & GRAUER PLLC			FRISBY, KESHA	
LION BUILDING			ART UNIT	PAPER NUMBER
1233 20TH STREET N.W., SUITE 501			3714	
WASHINGTON, DC 20036			MAIL DATE	DELIVERY MODE
			10/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/697,251	ADACHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kesha Frisby	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5,6 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5,6 and 21-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Status of Claims*

***After the amendment filed on 7/10/2007, claims 1, 2, 5, 6, 21 & 22-26 (New claims) are pending in this application. Claims 3, 4 & 7-20 were cancelled.***

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. (U.S. Publication Number 2003/0087690) in view of Frain (U.S. Patent Number 5,683,295) and Okada (U.S. Patent Number 6,620,044).** Referring to claim 1, Loose et al. discloses a gaming machine (10) comprising: game start instruction means for instructing a start of a game (paragraph 0018: "Spin Reels" key on the button panel 24); determination means for determining symbols to be stopped (paragraph 0018: central processing unit) and whether or not a combination is won based on the symbols determined corresponding to a game start instruction command from the game start instruction means (paragraphs 0018 & 0019); means for displaying a result concerning with the game determined by the determination means (paragraphs 0012 & 0026); and means for generating a beneficial state for a player when a specific game result with a winning symbol combination is displayed on the game result display means (paragraph 0026); wherein the game result display means includes first display

Art Unit: 3714

means (12a-12c) and second display means (14a & 14b) arranged at a more front side than a display area of the first display means when seen from a front side of the gaming machine (Figs. 2a & 2b), and the second display means has a symbol display area capable of transmittably displaying the specific game result displayed on the first display means therethrough (paragraph 0019), and wherein display control means (microcontroller 30) changes the light transmittance rate of the symbol display area so as to become low after the game is initiated and before the specific game result is displayed on the first display means (paragraph 0025). *Loose et al.* does not disclose wherein the game result display means displays the specific game result by changing light transmittance rate of the symbol display area so as to become high and displaying the game information predicting the winning symbol combination before the specific game result is displayed on the first display means. However, Frain teaches wherein the game result display means displays the specific game result by changing light transmittance rate of the symbol display area so as to become high (column 4 lines 59-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include changing light transmittance rate, as disclosed by Frain, incorporated into *Loose et al.* in order to distinguish the winning combination from non-winning combinations. *Loose et al./Frain* does not teach wherein the display control means is provided, the display control means controlling the second display means so as to display game information in an area including the symbol display area, the game information directly predicting the winning symbol combination. However, Okada teaches wherein the display control means is provided, the display control means

Art Unit: 3714

controlling the second display means so as to display game information in an area including the symbol display area, the game information directly predicting the winning symbol combination (column 2 line 64-column 3 line 10). It would have been obvious to one of ordinary in the art at the time the invention was made to include wherein the display control means is provided, the display control means controlling the second display means so as to display game information in an area including the symbol display area, the game information directly predicting the winning symbol combination, as disclosed by Okada, incorporated into Loose et al./Frain in order for the player to predict or expect a result of the game during the variation of symbols.

Referring to claim 2, Loose et al., as modified by Frain and Okada, discloses wherein the first display means has one or more symbol display parts (symbols on reels of Loose et al.) capable of variable displaying (visual association with display area 16 of Loose et al.), and wherein the display control means controls the second display means so as to display the game information in the area including the symbol display area substantially at the same time that the variable displaying in the symbol display parts is stopped and displayed (paragraphs 0012 & 0019 of Loose et al.).

Referring to claim 5, Loose et al., as modified by Frain and Okada, discloses wherein a window frame display area is formed at a periphery of the symbol display area (where the glass cover/window is inserted around the display area 16 for non-movement of Loose et al.), and wherein display mode of the window frame display area is changed when the game information is displayed in the area including the symbol display area (for example: going from Fig. 5 to Fig. 6 to Fig. 7 of Loose et al.).

Referring to claim 6, Loose et al., as modified by Frain and Okada, discloses wherein the first display means includes a plurality of reels (12a-c of Loose et al.), and the display control means controls the second display means so as to display the game information before all of the reels are stopped (column 2 line 64-column 3 line 10 of Okada).

**6. Claims 21 & 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. in view of Okada.**

Referring to claim 21, Loose et al. discloses a first display device (12a-12c) display device arranged at a more front side than the first display device when seen from a front side of the gaming machine, the second display device including a symbol display area capable of transmittably displaying symbols on the first display device therethrough (14a & 14b); and a processor in communication with the first display device and the second display device (microcontroller 30); the processor operate to: (a) enable a player to initiate a game by making a bet (paragraph 0026), (b) determine symbols to be displayed on the first display device (paragraph 0026), (c) control (microcontroller 30) the second display device so as to transmittably display the symbols on the first display device therethrough by changing light transmittance rate of the symbol display area so as to become high (paragraph 0019) and to display game information in the symbol display area by changing the light transmittance rate of the symbol display area so as to become low (paragraph 0025), and (d) provide an award corresponding to the winning symbol combination (paragraph 0026). *Loose et al. does not disclose, the game information predicting the winning symbol combination.* However, Okada teaches the

game information predicting the winning symbol combination (column 2 line 64-column 3 line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the game information predicting the winning symbol combination, as disclosed by Okada, incorporated into Loose et al./Frain in order for the player to predict or expect a result of the game during the variation of symbols.

Referring to claim 22, Loose et al., as modified by Okada, discloses wherein the processor (microcontroller of Loose et al.) controls the second display device (14a & 14b of Loose et al.) so as to display the game information in the symbol display area after the game is initiated and before a winning symbol combination is displayed if the winning symbol combination is displayed on the first display device (12a-12c of Loose et al.).

Referring to claim 23, Loose et al., as modified by Okada, discloses wherein the first display device has one or more symbol display parts capable of variable displaying (12a-12c of Loose et al.), and wherein the processor controls the second display device so as to display the game information in the symbol display area substantially at the same time that the variable displaying in the symbol display parts is stopped (abstract, Fig. 11 & associated text of Loose et al.).

Referring to claim 24, Loose et al., as modified by Okada, discloses wherein a window frame display area is formed at a periphery of the symbol display area (where the glass cover/window is inserted around the display area 16 for non-movement of Loose et al.), and wherein display mode of the window frame display area is changed when the game

information is displayed in the area including the symbol display area (for example: going from Fig. 5 to Fig. 6 to Fig. 7 of Loose et al.).

Referring to claim 25, Loose et al., as modified by Okada, discloses wherein the first display means includes a plurality of reels (12a-c of Loose et al.), and the display control means controls the second display means so as to display the game information before all of the reels are stopped (column 2 line 64-column 3 line 10 of Okada).

Referring to claim 26, Loose et al., as modified by Okada, teaches wherein the first display device includes a plurality of reels (12a-12c of Loose et al.), and wherein the processor controls the second display device so as to display the game information in the symbol display area before all of the reels are stopped after at least one reel is stopped (column 2 line 64-column 3 line 10 of Okada).

#### ***Response to Arguments***

8. Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive. In regards to claim 1 point (2) mentioned by the applicant, the examiner's rejection and rationale is still upheld. However and in addition, it has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138. For point (3), the Frain argument does not apply because Loose was applied to this limitation. In regards to claim 21, for points (2 & 3), the Frain argument does not apply because Loose was applied to this limitation. Frain was not used to reject claim 21. New claims 22-26 depend from claim 21, therefore the arguments above apply to these dependent claims.

***Citation of Pertinent Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishikawa (JP Publication Number 2000-300729) teaches a slot machine with the use of translucent and opaque techniques.

Muir et al. (U.S. Publication Number 2005/0192090) teaches a gaming machine display.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-

Art Unit: 3714

8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Ronald Laneau*

Ronald Laneau  
Primary Patent Examiner  
Art Unit 3714

*Kyf*

Kyf 9/25/2007

*9/26/07*